

**BEST AVAILABLE COPY**In the Claims:Please rewrite claims 1 to read as follows:

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1. (fourth amendment) An aqueous solution consisting of:  
potassium sorbate dissolved in tap water or deionized water at a concentration in the range of 0.3% - 2.94% by weight, the aqueous solution having a pH of 4.5 or higher;  
providing a solution that has lower electrical conductivity and lower oxygen content than tap water such that when the solution is exposed to a metal surface the metal surface will remain free of rust, corrosion and scale.

REMARKS

The Office Action has been carefully considered. The application now is believed to be in condition for allowance, in view of the above amendments and for the following reasons.

Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over US PATENT 4,374,174 TO Stricklin et al. Reconsideration of this rejection is hereby solicited.

The Stricklin et al patent discloses a composition including potassium sorbate in an amount of about 10 – 70% for inhibiting the corrosion of metals. The Stricklin et al reference does not disclose the pH of the solution.

Applicant has by this amendment to claim 1 recited that the potassium sorbate of the solution of claim 1 is:

in the range of 0.3% - 2.94%

The range now recited in claim 1 is completely out of the 10-70% range disclosed in the Stricklin et al reference.

Applicant has a basis in the specification for the upper limit 2.94% of this range in the specification as originally filed. In the first full paragraph on page 3 the


formula for producing applicant's solution is disclosed. Applicant first produces a concentrated mixture comprised of 269.5 ml of water, 0.5 ml of sodium nitrate and 270 ml of potassium sorbate. This concentrate then totals 540 ml. One part of the concentrate is then diluted with 16 parts of water or deionized water to produce applicant's rust preventive solution. Sixteen times the concentrated mixture of 540 ml is equal to 8,640 ml. When the 540 ml of concentrate is added to the 8,640 ml of water or deionized water there is a total solution of 9,180 ml. When the 270 ml of potassium sorbate is divided by 9,180 ml and answer is 0.0294 or 2.94%.

It is noted that this is a greater range than recited in allowed claim 2, however it is submitted that applicant is entitled to claims of different breaths.

Thus, applicant maintains that his invention as now set forth in the claim 1 and 2 are not disclosed or taught in the prior art references. The applicant therefore requests reconsideration and allowance of this application.

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Respectfully submitted,

  
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**APPENDIX A**  
**SERIAL NO. 09/336,612**  
**SORBIC ACID AND/OR ITS DERIVATIVES SUCH AS POTASSIUM SORBATE AS A**  
**PREVENTATIVE FOR RUST, CORROSION AND SCALE ON METAL**  
**Bernard Bendiner**

In the claims:

Amend claims 1 as follows:

1. (fourth amendment) An aqueous solution consisting of:  
potassium sorbate dissolved in tap water or deionized water at a concentration in  
the range of 0.3% - 2.94% by weight, ~~or higher,~~ the aqueous solution having a pH of 4.5 or  
higher;

providing a solution that has lower electrical conductivity and lower oxygen content  
than tap water such that when the solution is exposed to a metal surface the metal surface  
will remain free of rust, corrosion and scale.